December 7, 1995

Secretary Federal Communications Commission 1919 M Street NW Washington, D.C. 20554 pies C. Mary D. P. Pies

Dear Sir

Enclosed find an original and four copies of COMMENTS to MM Docket # 95-167.

If I can be of further service, please contact me at the address or phone number below.

Michael P. Stephens

P. O. Box 1250

Sapulpa, Oklahoma 74067

Michael P Styphens

(918) 224-4931

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DOCKET FILE COPY ORIGINAL

# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

In the matter of

Amendment of Section 73.202(b),
Table of Allocations, FM

Broadcast Station KTFR,
Claremore and Chelsea, Oklahoma

To: The Chief, Allocations Branch
Mass Media Bureau

) MM Docket No. 95-167

RM-8699

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## COMMENTS OF MICHAEL P. STEPHENS (petitioner)

Comes now Michael P. Stephens ("Stephens" or "Petitioner") and submits his Comments pursuant to the <u>Notice</u> of <u>Proposed Rule Making released November 2, 1995.</u>

By his Petition for Rule Making filed July 6, 1995, Stephens sought to have the Commission amend its Table of Frequency Allocations, Section 73.202(b), of the Rules, to delete FM Channel 264A from Claremore, Oklahoma, and allocate it instead to Chelsea, Oklahoma, and to modify the construction permit held by Stephens, which now specifies Channel 264A at Claremore to specify that Channel to Chelsea, Oklahoma.

In the said <u>Notice of Proposed Rule Making</u>, the Commission proposed the channel change sought by Stephens and also contemplated modification of Stephen's construction permit for Channel 264A at Claremore to specify Channel 264A at Chelsea.

Also, the Commission pointed out that according to present conditions, KTFR is restricted to an ERP of 3 kilowatts, while relocating at Chelsea, the station will be

able to improve its facilities to full Class A at 6 kilowatts.

The Commission requested at paragraph 5 of the Notice of Proposed Rule Making a study of areas and populations which will receive new service and the areas and populations which will lose existing service if Channel 264A is allotted to Chelsea. Additionally requested was a study indicating the number of reception services which are now available within the gain and loss areas. The Commission noted at sub paragraph 1 that "although the petitioner's request was signed, he failed to include an affidavit verifying that the statements contained in the petition were accurate to the best of his knowledge" required by Section 1.52 of the Commission's Rules and requested the petitioner to provide such affidavit of certification.

In response to these requests, the petitioner submits the following:

- A re-submission of the original petition as
   Exhibit 1 with three modifications:
  - (a). Population figures updated from 1970 to 1990,
  - (b). Addition of Television Station KRSC-TV as a local Claremore service,
  - (c) Affidavit of Certification.
- 2. A complete study of Population and Services gains and losses in the pertinent areas as Exhibit 2.

In these Comments, Stephens affirms his intention to construct a station on Channel 264A at Chelsea and upon

completion of such construction, operate such station. When the Commission modifies the construction permit held by Stephens, Stephens will file any necessary documents, including FCC Forms 301 and 302 as required.

Respectfully Submitted this 1 day of be 1995.

Michael & Stylens

Michael P. Stephens, Petitioner

P. O. Box 1250

Sapulpa, Oklahoma 74067

(918) 224-4931

## EXHIBIT 1

# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

In the Matter of

Amendment of Section 73.202(b),

Table of Allocations, FM

Broadcast Stations, Claremore and
Chelsea, Oklahoma

To: The Chief, Allocations Branch Mass Media Bureau

# PETITION FOR RULE MAKING

Michael P. Stephens, holder of a permit (BPH-940405GF) for authority to construct a new Class A FM broadcast station on Channel 264A at Claremore, Oklahoma, hereby respectfully requests that the Commission amend its Table of Frequency Allocations, Section 73.202(b) of its rules, to delete Channel 264A from Claremore, Oklahoma and allocate it instead to Chelsea, Oklahoma; and to modify the said construction permit held by Stephens to specify operation at that new city of license on channel 264A. As good cause therefore, Stephens states as follows:

1. Claremore is located in northeastern Oklahoma. The city had a 1990 population of 13,280, and already has two local aural services (KTRT-AM and \*KRSC-FM), plus a television station (KRSC-FM). Chelsea, on the other hand has no local aural service. It is a progressive city of 1,620 population (1990 census), is an incorporated city with defined boundaries and includes a City Hall with municipal

government, a police department, fire department, post office, newspaper, a full service bank, as well as many civic clubs, a Junior Chamber, Lions, and many others. The city provides its own schools, its own water, electricity, gas police force and fire department.

The Chamber of Commerce provides promotional services.

There are many churches in the Chelsea area and a Ministerial Alliance is very active. Chelsea has a city park with pool, ball field and a public library maintained by the city.

- 2. Chelsea is presently served by no AM, Fm or TV facility, nor is there any construction permit assigned thereto, nor are applications pending for any facility there. The allotment changes proposed by this petition will provide a first local aural transmission service to Chelsea.
- 3. The above referenced permit held by Stephens is currently restricted to an effective radiated power of 3,000 watts due to mileage separation limits to co-channel station KBBQ in Fort Smith, Arkansas. Likewise, the above referenced permit is also subject to interference from KXOJ-FM in Sapulpa, Oklahoma, an agreement has been signed with KXOJ management to that effect. On the other hand, if the channel and the city of license are moved to Chelsea, the facility can be upgraded to a full 6,000 watts and will not be subjected to any interference from any other station nor would it cause any interference to any other station. It also should be noted that presently, the KTFR permit places it in the congested Tulsa, Oklahoma market area whereas the

move requested by this petition moves it approximately 18 miles further from the city of Tulsa and out of the Tulsa market. An engineering study is attached which will bear out the above comments. It appears a site restriction of only a mile southwest of the Chelsea post office would be necessary.

- 4. As part of this petition, the petitioner is submitting three letters from City and Educational authorities who enthusiastically support the move.
- 5. The petitioner is convinced that by granting the relief requested herein by deleting channel 264A from Claremore, Oklahoma and allocating it to Chelsea, Oklahoma is in the public interest and will better make use of the FM spectrum in northeast Oklahoma. The petitioner hereby states that upon grant of this petition, he will take steps immediately to file with the Commission an application to upgrade the power output from 3,000 watts to 6,000 watts at a new site and once granted immediately to begin construction on Channel 264A at Chelsea, Oklahoma.

I hereby certify that all of the foregoing is true and correct to the best of my knowledge.

Respectfully submitted this 2 day of lee, , 1995.

Michael P. Stophena

Michael P. Stephens

P. O. Box 1250 Sapulpa, OK 74067

(918) 224-4931

# Town Of Chelsea

P. O. BOX 48 CHELSEA, OKLAHOMA 74016

May 17, 1995

## TO WHOM IT MAY CONCERN:

It has come to the attention of the Town Board of Trustees that Mike Stephens is persuing the establishment of a radio station in the Town of Chelsea.

The Town Board of Trustees, on behalf of the Town of Chelsea, offers its wholehearted support to Mike Stephens in his endeavors to establish a radio station in Chelsea and believe such service would be greatly beneficial to our Town.

Sincerely

lenry Archert Mayor



# Chelsea Public School Independent School District # 3

ROGERS COUNTY 306 WEST 6th STREET CHELSEA, OKLAHOMA 74016 (918) 789-2528



To Whom It May Concern:

Mr. Nike Stephens has contacted me concerning the possibility of establishing a radio station in Chelsea, Oklahoma. As Superintendent of schools, I feel a radio station would be a positive addition to our growing community that would provide better communications between our community and school.

I totally endorse the prospects of having a radio in Chelsea.

Sincerely,

Dick Holmes Superintendent

Chelses Public Schools

MaIntoik Elementery 789-2565

Middle School 789-2521

# Town Of Chelsea

P. O. BOX 48 CHELSEA, OKLAHOMA 74016

May 17, 1995

## TO WHOM IT MAY CONCERN:

It is my understanding that Mike Stephens plans to offer the services of a radio station to the citizens of the Town of Chelsea.

I feel a radio station would be quite advantageous to the Town of Chelsea and offer my full support to Mr. Stephens in this matter.

Rosa M. Adair, Town Clerk

# KXOJ RADIO SAPULPA, OK

## FM Spacing study

Title: CHELSEA, OK
Channel 264A (100.7 MHz)
Database: DW 01/25/95
Latitude: 36-32-00
Longitude: 95-25-48
Safety zone: 18.6 mi

Call Auth Licensee name Chan ERP-kW Latitude Br-to Dist. Req. City of License St FCC File no. Freq EAH-ft Longitude -from (mi) (ml) KRPS LIC PITTSBURG STATE UNIVERSI \*210C 100 37-18-44 32.0 63.56 18.02 PITTSBURG KS BLED-880518KC 89.9 1001 94-48-58 212.4 45.54 CLEAR

NEW-T APC AMERICAN FAMILY ASSOCIAT 211FT .041 36-01-08 117.4 76.30 6.214 FAYETTEVILLE AR BPFT-940627TE 90.1 620 94-13-12 298.2 70.09 CLEAR Tendered per FCC release #15845 dated 07/06/94; Cut-off 10/21/94; Translator f or WAFR, TUPELO, MS

KYFM LIC KYFM RADIO, INC. 261A .95 36-44-04 300.7 27.39 19.26 BARTLESVILLE OK BLH-850424KK 100.1 493 95-51-18 120.4 8.126 CLOSE

KWMQ LIC K-LITE AM & FM INC. 262A 3 36-30-28 92.0 45.69 19.26 SOUTHWEST CITY MO BLH-891023KB 100.3 328 94-36-35 272.5 26.42 CLEAR Call Granted 09/19/89

KGMY-FM LIC AURORA BROADCASTING, INC 263C2 33 37-05-39 69.3 112.8 65.87 AURORA MO BLH-920615KB 100.5 600 93-31-05 250.5 46.98 CLEAR Was KGMY 03/29/93 per FCC release #201 dated 04/02/93; Ant: Elec. Res. Inc. 20 0-6AC; Affiliated with KSWM(AM)

KTFR APP EDUCATIONAL BROADCASTING 264A 3 36-21-31 196.4 12.56 71.46 CLAREMORE OK BMPH-940511IV 100.7 328 95-29-38 16.4 -58.9 SHORT Amended 10/12/94; Received per FCC release #15810 dated 05/20/94, accepted per 15812 dated 05/24/94; Call Granted 04/09/92 per FCC release #180 dated 04/10/92

KTFR CP EDUCATIONAL BROADCASTING \*264A 3 36-12-15 200.8 24.29 71.46 CLAREMORE OK BPED-871216MB 100.7 328 95-35-07 20.8 -47.2 SHORT CP Granted 11/07/90 per FCC release dated 11/15/90; CP Granted 11/07/90 per FC c release dated 11/15/90; Call Granted 04/09/92 per FCC release #180 dated 04/10/92

KBBQ-FM LIC GEORGE T HERNREICH 264C2 50 35-13-32 145.7 108.9 103.1 FORT SMITH AR BLH-910819KA 100.7 459 94-20-29 326.3 5.759 CLOSE CP Granted 02/11/91 per FCC release #21052 dated 02/19/91; CP Granted 02/11/91 per FCC release #21052 dated 02/19/91; Was KFPW-FM 07/01/86; Ant: Elec. Res. Inc. FMH-5AE; Affiliated with KFPW(AM)

KGLC LIC EAGLE BROADCASTING INC. 265A 3.60 36-53-27 55.2 43.54 44.74 MIAMI OK BMLH-891220KD 100.9 265 94-47-01 235.6 -1.20 SHORT Was KSSM 03/07/91 per FCC release #153 dated 03/08/91; Affiliated with KVIS(AM)

CXOJ LIC KXOJ, INC. 265A 2 36-03-38 229.0 49.65 44.74 3APULPA OK 100.9 360 96-06-03 48.6 4.907 CLOSE Affiliated with KXOJ(AM)

# FM Spacing study

Title: CHELSEA, OK Latitude: 36-32-00 Channel 264A (100.7 MHz) Longitude: 95-25-48

Call Auth Licensee name Chan ERP-kW Latitude Br-to Dist. Req. City of License St FCC File no. Freq EAH-ft Longitude -from (mi) (mi) C. 265A 5 36-03-38 229.0 49.65 44.74 OK BPH-940613IB 100.9 361 96-06-03 48.6 4.907 CLOSE KXOJ APP KXOJ, INC. SAPULPA Received per FCC release #15837 dated 06/24/94, accepted per 15842 dated 07/01 /94; Affiliated with KXOJ(AM) KEOJ LIC KXOJ, INC. 266A 36-58-19 319.7 39.80 19.26 KS BLH-920924KA 101.1 328 95-53-47 139.4 20.54 CLEAR Call Granted 04/13/89; Ant: Harris FML-3E LIC LITTLE DIXIE RADIO INCOR 267C1 100 34-59-13 188.2 107.7 46.60 KMCO

>> End of channel 264A study <<

OK BLH-840529BZ 101.3 490 95-42-10 8.1 61.11 CLEAR

MCALESTER

Affiliated with KNED (AM)

#### KXOJ RADIO SAPULPA, OK

## FM Spacing study

Title: CHELSEA, OK
Channel 264A (100.7 MHz)
Database: FCC 12/27/94
Latitude: 36-32-00
Longitude: 95-25-48
Safety zone: 18.6 mi

Call Auth Licensee name Chan ERP-kW Latitude Br-to Dist. Req. City of License St FCC File no. Freq EAH-ft Longitude -from (mi) (mi) KRPS LIC Pittsburg State Universi \*210C 100 37-18-44 32.0 63.56 18.02 94-48-58 212.4 45.54 CLEAR 89.9 1001 KS Pittsburg 36-01-04 117.5 76.39 6.214 94-13-08 298.2 70.18 CLEAR \*211FT .010 APC Family Stations, Inc. 90.1 Favetteville 36-44-35 308.9 23.13 19.26 95-45-17 128.7 3.863 CLOSE 261A KYFM Radio, Inc ADD PRM OK DOC-94-100 100.1 Nowata DEL KYFM Radio, Inc. 261A 36-44-04 300.7 27.39 19.26 PRM 95-51-18 120.4 8.126 CLOSE 100.1 Bartlesville LIC KYFM Radio, Inc.
OK BLH-850424KK 36-44-04 300.7 27.39 19.26 261A .95 95-51-18 120.4 8.126 CLOSE 100.1 492 Bartlesville 36-44-04 300.7 27.39 19.26 261A ALLOC OK 100.1 95-51-18 120.4 8.126 CLOSE Bartlesville 262A 36-30-48 91.5 45.56 19.26 Southwest City MO DOC-84-231 Filing window 05/23-06/30/88 \*\*CLOSED\*\* 94-36-42 272.0 26.30 CLEAR 100.3 263C2 37-03-51 70.3 112.4 65.87 ALLOC 93-30-48 251.5 46.55 CLEAR MO 100.5 Aurora 264A ALLOC 36-22-14 199.2 11.89 71.46 OK DOC-85-156 100.7 95-30-02 19.2 -59.6 SHORT Claremore 36-21-47 198.0 12.35 71.46 95-29-55 17.9 -59.1 SHORT KTFR CP Educational Broadcasting 264A OK BPH-871216MB 100.7 328 Claremore DOC-88-568 KTFR APC Educational Broadcasting 264A 36-21-31 196.4 12.56 71.46 OK BMPH-940511IV 100.7 Claremore 328 95-29-38 16.4 -58.9 SHORT ALLOC 264C2 35-13-26 146.1 108.5 103.1 Fort Smith AR DOC-89-32 94-21-30 326.8 5.324 CLOSE 100.7 KBBQ-FM LIC George T. Hernreich 264C2 50 35-13-32 145.7 108.9 103.1 Fort Smith AR BLH-910819KA 94-20-29 326.3 5.759 CLOSE 100.7 459 KGLC LIC Duke Broadcasting, Inc. 265A 3.60 36-53-27 55.2 43.54 44.74 Miami OK BMLH-891220KD 100.9 94-47-01 235.6 -1.20 SHORT 266 ALLOC 36-53-27 55.2 43.54 44.74 265A Miami OK 94-47-01 235.6 -1.20 SHORT 100.9

# FM Spacing study

Title: CHELSEA, OK Latitude: 36-32-00 Channel 264A (100.7 MHz) Longitude: 95-25-48

Call Auth :	Licensee name se St FCC File no.	Chan ERP-kW Freq EAH-ft			
ALLOC	ОК	265A	36-03-38	229.0	49.65 44.74
Sapulpa		100.9	96-06-03	48.6	4.907 CLOSE
KXOJ-FM APC Sapulpa	KKOJ, Inc. OK BPH-940613IB	265A 5 100.9 361	36-03-38 96-06-03		49.65 44.74 4.907 CLOSE
KXOJ-FM LIC Sapulpa	KXOJ, Inc.	265A 2	36-03-38	229.0	49.65 44.74
	OK BLH-7319	100.9 361	96-06-03	48.6	4.907 CLOSE
KEOJ LIC I	KXOJ, Inc.	266A 3	36-58-19	319.7	39.80 19.26
	KS BLH-920924KA	101.1 328	95-53- <b>47</b>	139.4	20.54 CLEAR
KMCO LIC Mcalester	Little Dixie Radio, Inc. OK BLH-840529BZ	267C1 100 101.3 489	34-59-13 95-42-10		107.7 46.60 61.11 CLEAR

<sup>&</sup>gt;> End of channel 264A study <<

MCOA MY OOF

DECLARATION

HECE 1695

PREPARED FOR MICHAEL P. STEPHENS

RADIO STATION KTFR, CLAREMORE, OKLAHOMA

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland, and that his qualifications are a matter of record with the Federal Communications Commission.

The firm of Lechman & Johnson, Inc., has been retained by Michael P. Stephens to prepare a response to paragraph 5 of the Notice of Proposed Rule Making, (RM-8699), MM Docket No. 95-167, adopted October 24, 1995 and released November 2, 1995.

KTFR is currently authorized to operate with 3 kW ERP and antenna HAAT of 100 meters. Its 60 dBu contour encompasses an area of 1908 sq. km and contains a population of 61,427 persons. As proposed, it will encompass an area of 2554 sq. km and a population of 39,731 persons. Since the site change would be 18.81 km, there will be a gain area of 1426 km containing 16,200 persons and a loss area of 780 sq. km containing 37,896 persons.

Figure 1 shows the existing and proposed 60 dBu coverage contours. Figures 2A & 2B show the other services available to the coverage areas. The gain area is shown in blue and the loss area is shown in yellow. The pink is the common area. As shown, all of the loss areas receives a minimum of nine to a maximum of twelve services. The gain area receives a minimum of three to a maximum of thirteen services. Thus, grant of this proposal would provide additional service to areas that are not well served.

I declare under penalty of perjury that the foregoing is true and correct.

LECHMAN & JOHNSON, INC.

Thomas J. Johnson

Engineering Consultant

November 22, 1995

# TABLE I

# PREPARED FOR MICHAEL P. STEPHENS

# RADIO STATION KTFR, CLAREMORE, OKLAHOMA

Existing KTFR, Claremore, Oklahoma Channel 264A, 3 kW ERP, 100 m HAAT N 36° 21' 31" / W 95° 29' 38"

Radial (°True)	Haat <u>(Meters)</u>	Predicted Distance to 60 dBu Contour (km)
0	90.4	23.4
45	76.2	21.6
90	104.5	25.2
135	99.7	24.6
180	96.7	24.2
225	112.8	26.2
270	118.0	26.9
315	101.7	24.8

		Common	Loss	
Area : Population:	1908 sq. km	1128 sq. km	780 sq. km	
	61,427	23,531	37,896	

#### TABLE II

# PREPARED FOR MICHAEL P. STEPHENS

# RADIO STATION KTFR, CLAREMORE, OKLAHOMA

Proposed KTFR, Chelsea, Oklahoma Channel 264A, 6 kW ERP, 100 m HAAT N 36° 31' 27" / W 95° 26' 55"

Radial (°True)	HAAT (Meters)	Predicted Distance to 60 dBu Contour (km)
0 45 90 135 180 225 270	101.1 79.4 86.6 121.0 83.0 89.9 125.3	28.6 25.9 26.8 31.1 26.3 27.2
315	113.8	30.2

		Common	<u>Gain</u>
Area : Population:	2554 sq. km	11 <b>28 sq.km</b>	1426 sq.km
	39,731	23,531	16,200

#### TABLE III

#### LIST OF STATIONS SERVING LOSS AND GAIN AREA

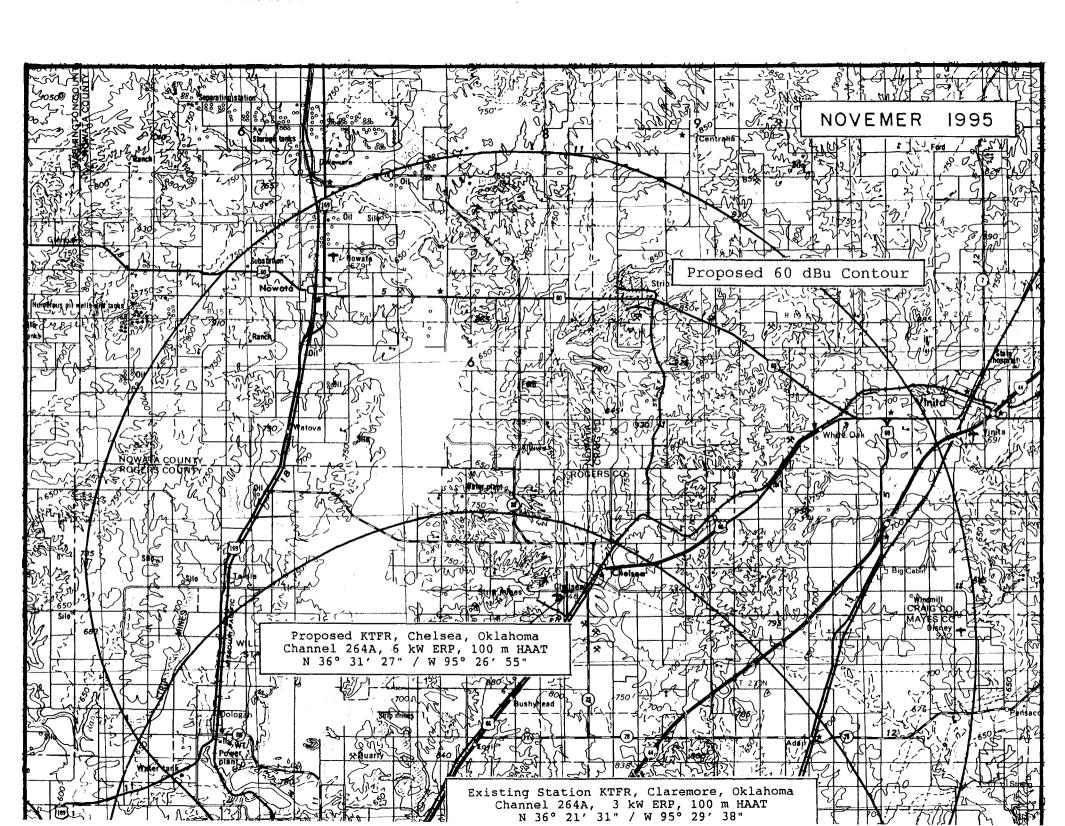
# PREPARED FOR MICHAEL P. STEPHENS

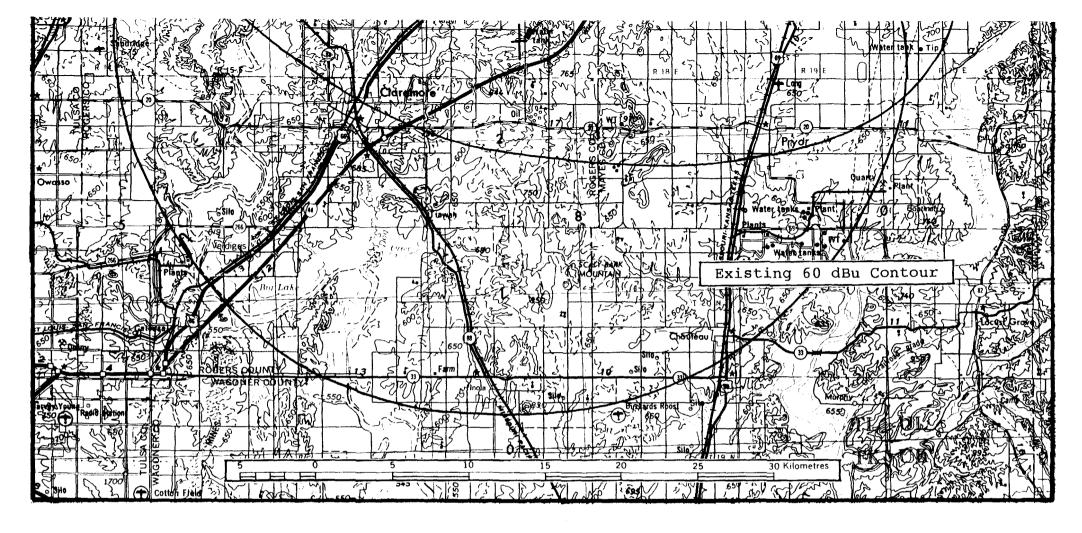
# RADIO STATION KTFR, CLAREMORE, OKLAHOMA

- 1) KQLL, Owasso, OK
   Channel 291C, 100 kW/403 m
   N 36° 31′ 36" / W 95° 39′ 12"
- 2) KQSY, Nowata, OK
   Channel 268A, 6 kW/100 m
   N 36° 33′ 50" / W 95° 39′ 59"
- 3) KGND, Ketchum, OK Channel 298C2, 50 kW/150 m N 36° 41′ 18″ / W 95° 11′ 30″
- 4) KEMX, Locust Grove, OK Channel 233A, 2.3 kW/112 m N 36° 15′ 05" / W 95° 13′ 21"
- 5) KRIG, Nowata, OK Channel 232A, 3.5 kW/132 m N 36° 44′ 35" / W 95° 45′ 17"
- 6) KYFM, Bartlesville, OK Channel 261A, 0.95 kW/150 m N 36° 44′ 04″ / W 95° 51′ 18″
- 7) KJSR, Tulsa, OK Channel 277C, 100 kW/390 m N 36° 01′ 10" / W 95° 39′ 24"
- 8) KMYZ, Pryor, OK Channel 283C1, 70 kW/344 m N 36° 01' 10" / W 95° 39' 24"
- 9) KWEN, Tulsa, OK Channel 238C, 96 kW/405 m N 36° 11′ 46"/ W 96° 05′ 53"
- 10) KRAV, Tulsa, OK Channel 243C, 96 kW/405 m N 36° 11′ 46" / W 96° 05′ 53"
- 11) KMOD, Tulsa, OK Channel 248C, 96 kW/405 m N 36° 11′ 46" / W 96° 05′ 53"

# LECHMAN & JOHNSON, INC.

- 12) KBEZ, Tulsa, OK Channel 225C, 100 kW/402 m N 36° 11′ 26″ / W 96° 05′ 50″
- 13) KVOO, Tulsa, OK Channel 253C, 99 kW/374 m N 36° 11′ 26" / W 96Q° 05′ 50"
- 14) KCMA, Broken Arrow, OK Channel 221C2, 27 kW/200 m N 36° 06′ 38" / W 96° 01′ 57"
- 15) KJMM, Bixby, OK Channel 287C3, 3.4 kW/268 m N 35° 51' 41' / W 95° 46' 03"
- 16) KHTT, Muskogee, OK Channel 295C, 94 kW/308 m N 35° 51' 41" / W 95° 46' 03"
- 17) KCKI, Henryetta, OK Channel 258C1, 100 kW/299 m N 35° 50′ 02″ / W 96° 07′ 28″





# FIGURE

# LECHMAN & JOHNSON, INC. TELECOMMUNICATIONS CONSULTANTS 18801 TRADEZONE AVENUE, SUITE 109

UPPER MARLISORO, MD 90779 (301) 390-0900

